

U.S. District Court [LIVE]
Western District of Texas (San Antonio)
CIVIL DOCKET FOR CASE #: 5:16-cv-00972-RCL

Eakin v. United States Department of Defense
Assigned to: Judge Royce C. Lamberth
Cause: 05:552 Freedom of Information Act

Date Filed: 09/30/2016
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

John Eakin

represented by **John Eakin**
9865 Tower View Road
Helotes, TX 78023
210-695-2204
Email: jeakin@airsafety.com
PRO SE

V.

Defendant

United States Department of Defense

represented by **Mary F. Kruger**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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TERMINATED: 02/07/2017
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Date Filed	#	Docket Text
09/30/2016		THIS CASE HAS BEEN RANDOMLY ASSIGNED TO JUDGE XAVIER RODRIGUEZ. (fs) (Entered: 09/30/2016)
09/30/2016		If ordered by the court, all referrals will be assigned to Magistrate Judge Primomo. (fs) (Entered: 09/30/2016)
09/30/2016	<u>1</u>	COMPLAINT (Filing fee \$ 400 receipt number 500036375), filed by John Eakin. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Filing Fee Receipt)(fs) (Entered: 09/30/2016)
09/30/2016	<u>2</u>	MOTION For Leave to File Electronically by John Eakin. (fs) (Entered: 09/30/2016)
09/30/2016	<u>3</u>	Summons Issued as to United States Department of Defense, U.S. Attorney and U.S. Attorney Department of Justice (fs) (Entered: 09/30/2016)
09/30/2016		Text Order GRANTING <u>2</u> Motion for leave to file electronically entered by Judge Xavier Rodriguez. Plaintiff may file electronically pursuant to the electronic filing requirements for a pro se litigant set forth in the Administrative Policies and Procedures for Electronic Filing in Criminal and Civil Cases found on the Court's

		website. (This is a text-only entry generated by the court. There is no document associated with this entry.) (lel) (Entered: 09/30/2016)
10/17/2016	<u>4</u>	SUMMONS Returned Executed by John Eakin. Department of Defense (Eakin, John) Modified on 10/17/2016 (rg). (Entered: 10/17/2016)
10/17/2016	<u>5</u>	SUMMONS Returned Executed by John Eakin. United States Department of Defense served on 10/11/2016, answer due 12/12/2016. (Eakin, John) (Entered: 10/17/2016)
10/17/2016	<u>6</u>	SUMMONS Returned Executed on 10/3/2016 by John Eakin. US Atty (Eakin, John) (Entered: 10/17/2016)
10/17/2016		Reset Deadlines: United States Department of Defense answer due 12/2/2016. (rg) (Entered: 10/17/2016)
10/18/2016	<u>7</u>	NOTICE <i>Statutory time to answer FOIA complaint</i> by John Eakin (Eakin, John) (Entered: 10/18/2016)
11/01/2016	<u>8</u>	<i>Defendant's</i> ANSWER to Complaint . Attorney Robert Shaw-Meadow added to party United States Department of Defense(pty:dft) by United States Department of Defense.(Shaw-Meadow, Robert) (Entered: 11/01/2016)
11/01/2016	<u>9</u>	ORDER AND ADVISORY for Scheduling Recommendations/Proposed Scheduling Order. Plaintiff shall submit scheduling recommendations/proposed scheduling order to the Court. (Scheduling Recommendations/Proposed Scheduling Order due by 12-1-16); Notice of right to consent to disposition of a civil case by a U.S. Magistrate Judge. Signed by Judge Xavier Rodriguez. (jhw) (Entered: 11/01/2016)
11/01/2016		Set/Reset Deadlines: Scheduling Recommendations/Proposed Scheduling Order due by 12/1/2016, (rf) (Entered: 11/02/2016)
11/23/2016	<u>10</u>	CONSENT to Trial by US Magistrate Judge by John Eakin. (rf) (Entered: 11/23/2016)
12/01/2016	<u>11</u>	STATUS REPORT <i>Joint Rule 26(f) Report and Response to Court Order of November 1, 2016</i> by United States Department of Defense. (Shaw-Meadow, Robert) (Entered: 12/01/2016)
12/01/2016	<u>12</u>	Scheduling Recommendations/Proposed Scheduling Order <i>Joint</i> by United States Department of Defense. (Shaw-Meadow, Robert) (Entered: 12/01/2016)
12/01/2016	<u>13</u>	NON-CONSENT to Trial by US Magistrate Judge by United States Department of Defense. (Shaw-Meadow, Robert) (Entered: 12/01/2016)
12/01/2016	<u>14</u>	NOTICE <i>of Attorney Absence</i> by United States Department of Defense (Shaw-Meadow, Robert) (Entered: 12/01/2016)
12/07/2016	<u>15</u>	SCHEDULING ORDER: Plaintiff's amended pleadings or motions to join parties due 12-30-16; Defendant's motion to designate third parties, amend pleadings or join parties is 1-20-17; Pretrial Motions due 2-1-17. Signed by Judge Xavier Rodriguez. (jhw) (Entered: 12/07/2016)
01/24/2017	<u>16</u>	MOTION for Summary Judgment by John Eakin. (Eakin, John) (Entered: 01/24/2017)
01/31/2017	<u>17</u>	Opposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION for Summary Judgment <i>and to Submitt Cross Motion for Summary Judgment</i> by United States Department of Defense. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Shaw-Meadow, Robert) (Entered: 01/31/2017)
02/03/2017	<u>18</u>	Response in Opposition to Motion, filed by John Eakin, re <u>17</u> Opposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION for Summary Judgment <i>and to Submitt Cross Motion for Summary Judgment</i> filed by Defendant United States Department of Defense (Attachments: # <u>1</u> Exhibit Exemplar FOIA request)(Eakin, John) (Entered: 02/03/2017)
02/07/2017	<u>19</u>	NOTICE <i>of Withdrawal and Substitution of Counsel</i> by United States Department of Defense (Kruger, Mary) (Entered: 02/07/2017)
02/09/2017	<u>20</u>	RESPONSE in Support, filed by United States Department of Defense, re <u>17</u> Opposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION for Summary Judgment <i>and to Submitt Cross Motion for Summary Judgment</i> filed by

		Defendant United States Department of Defense (Attachments: # <u>1</u> Proposed Order)(Kruger, Mary) (Entered: 02/09/2017)
03/13/2017	<u>21</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Royce C. Lamberth for all proceedings. Judge Xavier Rodriguez no longer assigned to case. Signed by Judge Xavier Rodriguez. (rg) (Entered: 03/14/2017)
06/01/2017	<u>22</u>	Cross MOTION for Summary Judgment and Response to Plaintiff's Motion for Summary Judgment, MOTION to Stay Case in the Alternative by United States Department of Defense. (Attachments: # <u>1</u> Response to Plaintiff's Statement of Material Facts, # <u>2</u> Exhibit 1 – Wey Declaration)(Kruger, Mary) (Entered: 06/01/2017)
06/07/2017	<u>23</u>	MOTION to Strike <u>22</u> Cross MOTION for Summary Judgment and Response to Plaintiff's Motion for Summary Judgment MOTION to Stay Case in the Alternative by John Eakin. (Eakin, John) (Entered: 06/07/2017)
06/07/2017	<u>24</u>	Response in Opposition to Motion, filed by John Eakin, re <u>22</u> Cross MOTION for Summary Judgment and Response to Plaintiff's Motion for Summary Judgment MOTION to Stay Case in the Alternative filed by Defendant United States Department of Defense (Eakin, John) (Entered: 06/07/2017)
06/14/2017	<u>25</u>	RESPONSE to Motion, filed by United States Department of Defense, re <u>23</u> MOTION to Strike <u>22</u> Cross MOTION for Summary Judgment and Response to Plaintiff's Motion for Summary Judgment MOTION to Stay Case in the Alternative filed by Plaintiff John Eakin (Kruger, Mary) (Entered: 06/14/2017)
06/14/2017	<u>26</u>	RESPONSE in Support, filed by United States Department of Defense, re <u>22</u> Cross MOTION for Summary Judgment and Response to Plaintiff's Motion for Summary Judgment MOTION to Stay Case in the Alternative filed by Defendant United States Department of Defense (Kruger, Mary) (Entered: 06/14/2017)
08/02/2017	<u>27</u>	ORDER GRANTING <u>17</u> Motion for Extension of Time to File Response/Reply nunc pro tunc Signed by Judge Royce C. Lamberth. (ad) (Entered: 08/02/2017)
08/02/2017	<u>28</u>	ORDER MOOTING <u>23</u> Motion to Strike Signed by Judge Royce C. Lamberth. (ad) (Entered: 08/02/2017)
08/02/2017	<u>29</u>	MEMORANDUM OPINION. Signed by Judge Royce C. Lamberth. (ad) (Entered: 08/02/2017)
08/02/2017	<u>30</u>	ORDER GRANTING IN PART AND DENYING IN PART <u>16</u> Motion for Summary Judgment; DENYING <u>22</u> Motion for Summary Judgment; GRANTING <u>22</u> Motion to Stay Case Signed by Judge Royce C. Lamberth. (ad) (Entered: 08/02/2017)
01/17/2018	<u>31</u>	Opposed MOTION to Compel Production by John Eakin. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit Scanning Contract, # <u>3</u> Exhibit Sample Previously Released Files, # <u>4</u> Exhibit Sample Embedded Document, # <u>5</u> Exhibit Vaughn Index, # <u>6</u> Exhibit Description of Scanning Project)(Eakin, John) (Entered: 01/17/2018)
01/22/2018	<u>32</u>	MOTION to Stay Case by United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Kruger, Mary) (Entered: 01/22/2018)
01/24/2018	<u>33</u>	MOTION to Withdraw ITS MOTION TO STAY by United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Kruger, Mary) (Entered: 01/24/2018)
01/24/2018	<u>34</u>	MOTION for Extension of Time to File Response/Reply by United States Department of Defense. (Attachments: # <u>1</u> Proposed Order)(Kruger, Mary) (Entered: 01/24/2018)
01/24/2018	<u>35</u>	ORDER DENYING <u>32</u> Motion to Stay Case Signed by Judge Royce C. Lamberth. (mgr) (Entered: 01/25/2018)
02/07/2018	<u>36</u>	RESPONSE to Motion, filed by United States Department of Defense, re <u>31</u> Opposed MOTION to Compel Production filed by Plaintiff John Eakin (Attachments: # <u>1</u> Exhibit)(Kruger, Mary) (Entered: 02/07/2018)
02/13/2018	<u>37</u>	REPLY to Response to Motion, filed by John Eakin, re <u>31</u> Opposed MOTION to Compel Production filed by Plaintiff John Eakin (Eakin, John) (Entered: 02/13/2018)

05/24/2018	<u>38</u>	Unopposed MOTION for Leave to File <i>Sur Reply</i> by John Eakin. (Attachments: # <u>1</u> Exhibit Sur Reply, # <u>2</u> Exhibit Proposed Order)(Eakin, John) (Entered: 05/24/2018)
06/21/2018	<u>39</u>	ORDER GRANTING <u>38</u> Motion for Leave to File sur reply Signed by Judge Royce C. Lamberth. (mgr) (Entered: 06/25/2018)
06/21/2018	<u>40</u>	Plaintiff's Sur Reply to his opposed Motion for Clarification and to Compel Production of Documents to <u>38</u> Unopposed MOTION for Leave to File <i>Sur Reply</i> by John Eakin. (mgr) (Entered: 06/25/2018)
06/21/2018	<u>41</u>	ORDER GRANTING <u>34</u> Motion for Extension of Time to File Response/Reply Signed by Judge Royce C. Lamberth. (mgr) (Entered: 06/25/2018)
06/05/2019	<u>42</u>	MEMORANDUM OPINION. Signed by Judge Royce C. Lamberth. (kjh) (Entered: 06/05/2019)
06/05/2019	<u>43</u>	ORDER GRANTING IN PART AND DENYING IN PART <u>31</u> Motion to Compel. Signed by Judge Royce C. Lamberth. (kjh) (Entered: 06/05/2019)
06/05/2019		MINUTE ORDER DENYING AS MOOT <u>33</u> Motion to Withdraw. Signed by Judge Royce C. Lamberth. (kjh) (Entered: 06/05/2019)